



03-08-04

1631

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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/081,124
Filing Date	February 21, 2002
First Named Inventor	CHAN, VIVIEN W.
Group Art Unit	1631
Examiner Name	SMITH, CAROLYN L.
Attorney Docket Number	2300-16336

Total Number of Pages in This Submission 9

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Copy of Office Communication 2. Response to Office Communication 3. Revised Response to Restriction Requirement and Preliminary Amendment 4. Postcard
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent (Reg. No.)	JAMES S. KEDDIE, PH.D., 48,920 BOZICEVIC, FIELD & FRANCIS LLP
Signature	
Date	March 4, 2004

EXPRESS MAIL LABEL NO. EV333997905US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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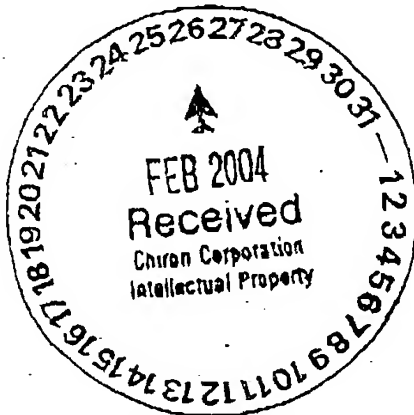
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2300-116336

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,124	02/21/2002	Vivien Chan	FP-016336.002	8573

7590 02/24/2004

Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville, CA 94662



EXAMINER
SMITH, CAROLYN L
ART UNIT
PAPER NUMBER

1631

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

COPY

03/02/04
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RS (1mos) 03/24/04
D 08/24/04

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Atty. CAL PA
File # FP 16336.002
Due Date 3/24/04 Ext RS5
Final Date 8/24/04 RSD

1/9/04 submission not responsive



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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02192004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The communication, filed on 1/9/04, is non-responsive to the prior Restriction Requirement, mailed 7/9/03, because of the confusion created by the sequence election. On page 3 of Applicants' Remarks, Applicants elected to prosecute SEQ ID NO: 498. However, claim 1 has been amended on page 2 of Applicants' communication, filed 1/9/04, to include SEQ ID NO: 489, not SEQ ID NO: 498. Clarification of which SEQ ID NO the Applicants would like to have prosecuted in this application is hereby requested.


Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS. Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Smith, whose telephone number is (571) 272-0721. The examiner can normally be reached Monday through Thursday from 8 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on (571) 272-0722. Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instruments Examiner Tina Plunkett whose telephone number is (571) 272-0549 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

Carolyn Smith
2/19/03
10/081124

Ardin H. Marschel
ARDIN H. MARSCHEL
PRIMARY EXAMINER

EXPRESS MAIL LABEL: EV333997905US		Date: 03-04-04
<p align="center">RESPONSE TO OFFICE COMMUNICATION</p> <p>Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> 	Attorney Docket (Confirmation No.)	PP-16336.002 8573
	First Named Inventor	Vivien Chan
	Application Number	10/081,124
	Filing Date	February 21, 2002
	Group Art Unit	1631
	Examiner Name	Carolyn Smith
	Title: <i>Gene products differentially expressed in cancerous colon cells and their methods of use</i>	

Sir:

This communication is in response to the an Office Communication dated February 24, 2004, stating that the Applicants' response to a prior Restriction Requirement was non-responsive because the SEQ ID NO that was elected was different to that recited in the amended claims.

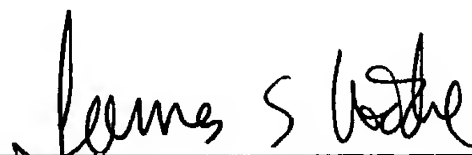
The Applicants thank the Examiner for noticing this discrepancy and contacting the Applicants prior to examining the claims.

A revised Response to Restriction Requirement and Preliminary Amendment is filed herewith within the time period allowed. The SEQ ID NO to be elected is SEQ ID NO:489. "SEQ ID NO:498" was typed in error.

The fees associated with this Response to Restriction Requirement have already been paid. Because of this, no further fees should necessary. However, if any further fees are required, the Commissioner is hereby authorized to charge Deposit Account No. 50-0815, order number 2300-16336.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: March 4, 2004

By: 
James S. Keddie, Ph.D.
Registration No. 48,920

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